



BOARD OF ADJUSTMENT

WEDNESDAY, MARCH 24, 2010

LEGAL ACTION REPORT

1. Call to Order: 1:30 p.m.
2. **C10-10-03 STARR PASS BLOCK 25 C9-98-25/STARR PASS RESIDENTIAL LLC, 3645 WEST STARR PASS BOULEVARD, SR/C-1**

Case continued to the June 30, 2010 hearing, per applicant's request to the Zoning Administrator.

3. **C10-10-04 FRIEDMAN RECYCLING COMPANY/FRIEDMAN RECYCLING, 1825 WEST PRICE STREET, I-1**

The appellant (Friedman Recycling Company) is appealing the Zoning Administrator's (ZA) determination, dated November 20, 2009, that outside storage associated with the "Salvaging and Recycling" use at 1825 West Price Street is not allowed. Tucson *Land Use Code (LUC)* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated November 20, 2009.

DECISION: UPHOLD THE ZONING ADMINISTRATOR'S DETERMINATION OF NOVEMBER 20, 2009.

NOTE: Per the Department of Neighborhood Resources: Zoning Violation to be abated within ninety (90) days.

4. **C10-10-05 MR. HEAD'S ART BAR/PATIO EXPANSION/MICAH BLATT, 509/513 NORTH 4TH AVENUE, C-3**

The applicant's property is a 6,098 square foot site developed with a 4,736 square foot commercial structure. The applicant proposes a bar with a new outdoor seating area. The proposed use is a change of use and will require the entire site be brought into compliance with all Tucson *Land Use Code (LUC)* development criteria applicable to the new use. *LUC* Sections applicable to this project include, but are not limited to, the following: Section 2.5.5 which provides the design criteria applicable to development in the C-3 zone, Sections 3.3.4 and 3.3.7 which provide the motor vehicle and bicycle parking requirements, Section 3.4.4 and 3.4.5 which provides the off-street loading requirements, and Sections 3.7.2 and

3.7.3 which provide the landscape and screen requirements applicable to the project. The applicant is requesting the following variances: **1)** Delete the required ninety (90) onsite motor vehicle parking spaces; **2)** Delete the required four (4) onsite bicycle parking spaces; **3)** Delete the one required 12' x 35' loading space; and, **4)** Delete the ten (10') wide street landscape border including a five (5') high screen wall along the Fourth Avenue frontage, all as shown on the submitted plans.

DECISION: VARIANCES 1, 2, 3 AND 4 GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Replacement tree in right of way to be same species (Rhus Lancea) as other trees along the avenue.**
- B. Provide bicycle parking in right of way, as allowed.**

5. Adjournment: 4:10 p.m.